



Court Connections

News from the New Mexico Judiciary

June/July 2019

New online system lets parties settle financial disputes without going to court

Online Dispute Resolution (ODR) started June 3 as a pilot program in the Sixth and Ninth Judicial Districts. It began June 10 in the Second Judicial District Court in Albuquerque and on June 17 in the Metropolitan Court in Bernalillo

County. The service will be expanded statewide later.



An Online Dispute Resolution pilot program was announced at a news June 3 news conference. Courts in six counties are piloting the program, which ultimately will go statewide.

“New Mexico courts are committed to advancing judicial excellence through initiatives such as Online Dispute Resolution,” Supreme Court Chief Justice Judith Nakamura said in announcing the online service. “The innovative online service for settling cases costs less and is much faster than going to trial in a dispute over unpaid debts. With programs like ODR, our courts are able to expand public access to justice services, reduce the time to resolve some civil cases and improve court efficiencies.”

With ODR, the parties in a debt or money due lawsuit can negotiate at their convenience through online exchanges from any

location with internet access using a computer, smartphone or mobile device. The online system asks questions of each party about what they want to potentially resolve the lawsuit.

Offers are exchanged and if an agreement is reached, the online system automatically prepares a settlement document and electronically files it with the court. Both parties may agree to request the help of a trained mediator during the first two weeks of negotiation. If no agreement is reached after 30 days, the online negotiation ends and the case moves forward in court.

“Growing numbers of New Mexicans are representing themselves in civil lawsuits. Online Dispute Resolution helps self-represented parties by making it easier to navigate a legal system that the public often finds complicated and confusing,” said Second Judicial District Judge Jane C. Levy, who led a judicial team on the ODR implementation.

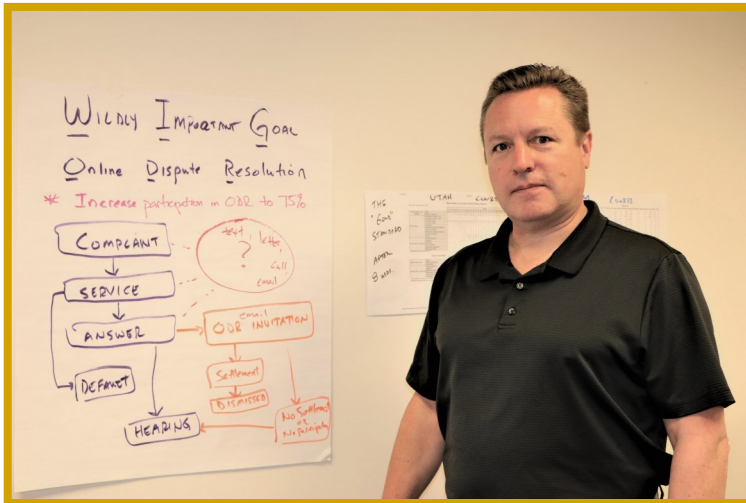
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Judiciary's new CIO focusing on 'wildly important goals'

David Wasson, the Judiciary's new chief information officer started his career prosecuting government fraud and cybercrime in the Philadelphia District Attorney's Office. He then defended soldiers and their families as an Assistant Staff Judge Advocate while serving in the U.S. Army Reserves.



David Wasson, the Judiciary's new CIO, comes in with a mandate to focus on a series of "wildly important goals".

His two most recent positions helped make him the ideal person to run New Mexico's Judicial Information Division, commonly referred to as JID.

From 2003 to 2013, Wasson was Court Administrator for Pennsylvania's First Judicial District Court. He left that job to become an Engagement Manager in the City of Philadelphia's IT shop.

"The court system in Philadelphia is about the same size of New Mexico with regard to the number of judges, budget and population," Wasson said shortly after arriving in the Land of Enchantment. "This position is the perfect fit for me."

Wasson said JID has a team of 57 seasoned IT professionals who already have implemented many cutting-edge systems.

"The Judicial Information Division was in great shape when I arrived," Wasson said. "For example, nationally, video technology and a unified case management system are where many courts want to go, and New Mexico is already there."

Prioritizing Projects

That does not mean Wasson and his team have nothing left to accomplish. In fact, the Judicial Information Systems Council, headed by Harding County Magistrate Judge Karen Mitchell, already has asked Wasson to tackle some "wildly important goals," or WIGs.

Chief among those WIGs are:

- Devising ways to make it easier to gauge how the court system is performing by analyzing all of the data that flows through its information systems; and
- Launching an online dispute resolution (ODR) program.

The ODR program is set to be piloted in district and magistrate courts in the 2nd, 6th and 9th Judicial Districts in June before an eventual statewide roll out.

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Supreme Court Building getting modern upgrades without losing historic character

A long-awaited radiant heat system has been installed underneath the walkway at the New Mexico Supreme Court Building in downtown Santa Fe. The sidewalk adjacent to the historic building will have radiant heating as well.

The \$329,400 project will make the walk into the building safer during winter months. It also will save maintenance staff from having to shovel snow from in front of the building.

Dr. Lynette M. Pollari with the New Mexico Historic Preservation Division said that a radiant heat system will prevent the freeze-thaw cycle every winter and reduce risks to visitors to the building.

“Because the sidewalk is sloped and got very icy every winter for months on end, the Historic Preservation Division recommended that the flagstone paving be removed and the radiant heat system installed within a new concrete slab with the pavers re-installed on top,” said Dr. Pollari.



Workers install radiant heating in a new walkway in front of the New Mexico Supreme Court building. The modern upgrade will not change the building's historic character.

The design was produced to ensure that the historic character of the main entrance and outdoor features would not be adversely affected, according to Pollari.

The contractor is on schedule to finish by June 30. Until then, public visitors enter the building through the South Entrance.

A separate project to apply new stucco to the building's inner courtyard was completed in May. Other portions of the building were re-stuccoed several years ago as part of renovations that repaired exterior balcony railings and replaced landscaping.

The Supreme Court building opened in 1937, and is the only Works Progress Administration project in New Mexico still in use for its original purpose. The building is on the National Register of Historic Places and the New Mexico Register of Cultural Properties.

Mora County Magistrate Court moves to new courthouse

The Mora County Magistrate Court opened for business Monday, May 13th in a newly completed complex that serves as the county courthouse and will house the county's administrative offices.

"The opening of the new court facility in Mora County is wonderful news for the people served by the magistrate and district courts of the Fourth Judicial District," said Arthur Pepin, director of the Administrative Office of the Courts. "The people of Mora County now have an inviting, modern place to resolve legal matters."



The new courtroom in Mora County Magistrate Court.

The county has been without a courthouse since 2005, when its 59-year-old courthouse was condemned and vacated because of mold contamination, asbestos and the structure's overall deterioration. The Magistrate Court relocated to a small portable building at the Mora High School.

"Our court looks forward to serving the public from its new home in the Mora County complex and will continue do its best to carry out the Judiciary's mission of providing fair, timely and equal justice for all," said Magistrate Judge John Sanchez.

The county started a construction project for a new courthouse more than a decade ago, but a nearly completed shell of the building sat unfinished for years after funding was exhausted. In 2013, the Legislature approved additional funding but directed the county to collaborate with

the Administrative Office of the Courts (AOC) to ensure completion of the project. An agreement with the county delegated project oversight to the AOC along with approval of financial decisions.

The magistrate court occupies part of the building's second floor under a long-term lease with the county. The district court also will use the courtroom in the building although larger trials may be held at the San Miguel County Courthouse in neighboring Las Vegas. County offices, such as the treasurer, assessor and clerk, will occupy the first floor and are expected to move into the building in the next few weeks. About half of the building will remain vacant for a future build-out and development by the county.

"Congratulations to Mora County for successfully overcoming the great challenges this project encountered," said Pepin. "I am grateful for the support of local legislators as well as Mora County Commissioners who worked with Statewide Facilities Manager Luis Campos and other members of the Administrative Office of the Courts to complete the project."



The Mora County Magistrate Court is located in a newly constructed County Government Complex.

New law expands options for streamlining local court systems

A change in state law will allow more communities to streamline their governmental operations by having magistrate courts hear cases involving municipal ordinances.

“The new law offers an option for communities to create a more efficient and less confusing court structure,” Supreme Court Chief Justice Judith K. Nakamura said. “This is a good government measure.”

Currently, smaller communities may have as many as four different types of courts: a state district court, a state magistrate court, a municipal court and a probate court.

Existing law requires a municipal court in communities with a population of more than 1,500. However, municipalities with a population of less than 1,500 may allow magistrate courts to handle municipal ordinance cases, such as traffic citations issued by local police.

“This is a good-government measure.”

— Chief Justice Judith K. Nakamura

Under the new law effective June 14, municipalities with a population under 10,000 – and located within 25 miles of a magistrate court – will have the option to transfer the legal authority over municipal ordinances to a magistrate court. The transfer would happen only with approval of the local governing body and the state Supreme Court.

“Smaller communities will have an opportunity to save taxpayer money by no longer operating a municipal court that hears a limited number of cases each year,” said Sen. Richard Martinez of Española, chairman of the Senate Judiciary Committee, who sponsored the legislation (Senate Bill 173).

The measure was among the Judiciary’s proposals to the 2019 session of the Legislature. Gov. Michelle Lujan Grisham signed the municipal court bill into law on April 4.

ODR cont., from page 1.

The ODR system also responds to the public’s increasing desire to conduct business online.

“People increasingly want to take care of their business online. Our courts understand that,” said Sixth Judicial District Court Chief Judge Jennifer DeLaney. “Online Dispute Resolution offers a way for people living in rural areas to avoid traveling long distances to court hearings if they have filed a lawsuit over owed money or they are sued because of a debt.”

Ninth Judicial District Court Judge Donna Mowrer said, “This is a cost-effective way for businesses and individuals to negotiate settlement agreements for disputes over debt and money due. It can take months, or sometimes years, for a civil lawsuit to proceed to trial.”

Bernalillo County Metropolitan Court Chief Judge Sandra Engel said, “Electronic commerce companies like eBay and PayPal have long used online dispute resolution for disputes between buyers and sellers. To better serve the public, courts are embracing the same technology for certain civil lawsuits.”

About 31,000 debt and money due lawsuits were filed statewide in the past year, from April 2017 through April 2018. To learn more about the new online service, including watching a video featuring the Chief Justice, visit the ODR website of New Mexico Courts. <https://adr.nmcourts.gov/odr.aspx>

Bernalillo County Metropolitan Court welcomes new judges

Four newly appointed judges have joined the Bernalillo County Metropolitan Court since February. Judge Brittany Maldonado Malott, Judge Felicia Blea-Rivera, and Judge David A. Murphy serve in the court's criminal division. Judge Jason M. Jaramillo serves in the civil division.



Three of the new Bernalillo County Metropolitan Court judges with Chief Judge Sandra Engel.

Judge Maldonado Malott is an Albuquerque native. She earned undergraduate and law degrees from the University of New Mexico. Before joining the court, Judge Maldonado Malott worked in the Law Offices of the Public Defender's Serious Violent Offense Unit. The judge and her husband enjoy spending their free time with their two dogs.

Judge Blea-Rivera, a native New Mexican, earned a bachelor's degree in economics and a law degree from UNM. She previously worked as an attorney for the U.S. Department of Energy's National Nuclear Security Administration, the Bernalillo County Attorney's Office and the

New Mexico Association of Counties. The judge began her legal career as a prosecutor in Albuquerque and also worked in private practice. Judge Blea-Rivera is the proud mother of three children and two rescue dogs.

Judge Murphy was raised in Albuquerque and is a proud graduate of Albuquerque Public Schools. He earned both his undergraduate and law degree from UNM. Judge Murphy began his career as a public defender in Albuquerque. He later became a prosecutor with the New Mexico Attorney General's Office. Most recently, he was a supervisor in the General Crimes Division of the Second Judicial District Attorney's Office. Outside of work, you can find Judge Murphy and his husband on the Bosque trails preparing for an obstacle course race or walking their corgi.

Judge Jaramillo is an Albuquerque native and an Army National Guard veteran. After graduating from the UNM School of Law, he dedicated his entire legal career to public service. He most recently worked for the Bernalillo County Attorney's office. He began his career as a Metropolitan Court prosecutor and appellate attorney for the Second Judicial District Attorney's Office. Judge Jaramillo and his wife are proud parents of two children and active volunteers at Mile High Little League.



Judge Jason M. Jaramillo

New CIO cont., from page 2.

Wasson has no doubt that his team can develop a good system for analyzing court data, and is prepared for new challenges. "One of our goals is to improve analytic services," he said. "Part of the challenge is servicing the entire state from Santa Fe because input of information is not always streamlined."

Still, he expects to get it done. "My job is to prioritize our projects and make sure they get executed," Wasson said. "When we are given a WIG, we ask ourselves, 'What do we have to do to make it happen?'"

When he is not tackling WIGs, Wasson enjoys spending time with his wife Beth—the two are recent empty nesters with four adult daughters. He also partakes in typical New Mexico activities such as hiking and sampling foods with red and green chilé.

Girl Scouts learn about government at Third Judicial District Court

The Third Judicial District Court hosted a special group of Girl Scouts in April. Girls from the Las Cruces-based Troop Number 62602, also known as the “Desert Diamonds,” visited the court to fulfill a requirement to explore laws that affect their daily lives and learn how they can become active in government.

They learned about the three branches of government and how Chief Judge James T. Martin’s court fits into that structure. They also learned about the different divisions of the district court.



3rd Judicial District Chief Judge James T. Martin hosted the “Desert Diamonds” of Girl Scout Troop 62602 in his courtroom.

Two of the scouts were working on their “Inside Government and “Respect Authority” merit badges. Troop 62602 is a multi-level troop with 15 girls. They have three Daisies, Grades K–1; four Brownies, Grades 2–3; and eight Juniors, Grades 4–5. The Co-Leaders are Maggie Strand (Juniors), Aaron Strand (Brownies), Andrea Ruiz (Daisies), and Ruben Limon, Troop Leader and Registrar for Girl Scouts of the Desert Southwest Council.

Melissa Kennelly is the Eighth District’s newest judge



Judge Melissa Kennelly is sworn in by 8th District Chief Judge Jeff McElroy.

The judges and employees of the Eighth Judicial District Court were honored to have Associate Attorney Melissa Kennelly selected by Gov. Michelle Lujan Grisham as a new District Court judge.

The official investiture ceremony and reception for Judge Kennelly took place in Raton on May 16, and a reception was held later in the month at the Taos District Courthouse. Judge Kennelly presides over Division II in Raton.

SHARE YOUR NEWS WITH COURT CONNECTIONS

This newsletter was created to share the news and accomplishments of the entire New Mexico Judiciary. We need your help to make that vision a reality. You know all the great things happening in your courts. Send those stories

Afghan officials visited New Mexico courts in quest to reduce domestic violence

A delegation from Afghanistan—including a prosecutor and a police officer—visited the Second Judicial District Court in April as part of a trip to learn how U.S. courts handle domestic violence cases.

The group—which also visited courts in Santa Fe, Baltimore, Cincinnati and Detroit—hopes to find best practices that they can apply in Afghanistan’s judicial system. Global Ties ABQ, a non-profit organization that works to foster ongoing relationships between Albuquerque residents and international visitors, sponsored the Albuquerque trip.

At the Second Judicial District Court, the Afghan delegation observed a domestic violence hearing and then shared their impressions with the hearing officer, Rosemary Traub, and Family Court Presiding Judge Debra Ramirez over lunch.

Interpreters facilitated the conversation. Prosecutor Abdul Haq Anabia said having a judge or hearing officer render a decision in a domestic violence case is a stark contrast from the process in Afghanistan, where all domestic violence such cases are resolved through mediation.



Kabul, Afghanistan Police Officer Gita Qaderi, at left in the foreground, discusses the handling of domestic violence cases in American and Afghani Courts with 2nd Judicial District Presiding Family Court Judge Debra Ramirez, across the table on the right, and Family Court Hearing Officer Rosemary Traub, on the far left.

Judge Ramirez said culture plays a role in the different manners in which courts handle domestic violence cases in the U.S. versus Afghanistan.

“In Afghanistan, the focus is always on reuniting the family,” Judge Ramirez said. “In the U.S., even though we like to see families work out their differences and remain together, there are times when we consider it appropriate to draw a line and say reunification is not possible—and that line is when violence is occurring.”

Despite the differing approaches, both the Afghanis and their American counterparts agreed their overriding goal is to decrease incidents of domestic violence. Haq Anabia said the mediation process in Afghanistan offers families support to help curb violence.

“Overall, we are trying to decrease violence against women in Afghanistan,” said Gita Qaderi, a police officer in Kabul.

Qaderi also expressed appreciation for the number of programs in the U.S. that promote awareness of domestic violence and offer services and resources for survivors. “We need to have more programs that build awareness,” she said. “I am hoping to go back and focus on domestic violence programs.”

Second District Court welcomes six new judges

A combination of retirements and judges moving to higher courts created six openings on the Second Judicial District Court bench of the end of 2018. Those have been filled by the individuals pictured here. The new judges are left to right, Amber Chavez Baker, Family Court; Lisa Chavez Ortega, Civil Division; Daniel J. Gallegos, Criminal Division; Erin Beth O'Connell, Civil Division; Daniel E. Ramczyk, Criminal Division and Joshua Andrew Allison, Civil Division.



Judicial externship gives UNM law student lessons in law and life



Richard Azar

In Plato's Allegory of the Cave, Plato describes a group of people who have lived chained to the wall of a cave all of their lives, facing a blank wall. They watch shadows projected on the wall from objects passing in front of a fire behind them. These shadows are the prisoners' reality. One day the prisoners break out of their shackles and discover the true reality around them. Before my externship at the Second Judicial District Court (SJDC), my view of the law and the legal profession was like that of the prisoners, mere shadows of reality. Throughout my externship at the SJDC, I became "unshackled" and my understanding of what the law truly was began to take form.

Whether it was discussing the "political thicket" in *Baker v. Carr* with the Court Executive Officer, analyzing bills in the legislative session for the Court's General Counsel, or witnessing closing arguments in high-profile cases, my experience at the SJDC was invaluable. In the classroom students are taught the law and provided examples of how it applies, but nothing compares to being fully immersed in one of the busiest district courts in the state. From employment law to the rules of evidence, I was able to see real world application of previously bewildering legal concepts. Additionally, this judicial externship provided me with a complete rotation of the various divisions of the Court (Family, Civil, Criminal, and Children's Court), an experience I believe every law student should have. Although I gained a plethora of knowledge on the law in the various divisions, I believe the greatest gift this externship gave me was the knowledge of the legal profession and how to treat others in the legal community. The way the SJDC not only treats its staff, but the public at large, is nothing short of extraordinary. Everyone at the Court has the best interests of the community at heart, providing a perfect reminder of why I decided to pursue my dream of becoming an attorney in the first place—to help others. With this new outlook on life and the law, I am now prepared to explore this amazing new world!

Richard Azar served his judicial externship in the Second Judicial District Court during the Spring Semester of 2019. He will start his third year of UNM Law School in the fall.

Second Judicial District space optimization plan streamlines records management

The Second Judicial District Court (SJDC) has successfully completed Phase I of a Space Optimization Plan jointly commissioned by the court and Bernalillo County.

Ricci Greene Architects, a firm that has achieved national pre-eminence in programming, planning and designing justice facilities developed the plan. It will make the court more efficient at managing records and ultimately clear space for a new courtroom.

Following the plan, the court recently moved thousands of paper files—including civil, criminal and family-court case files—to a central location at 401 Roma, the former Metropolitan Court. In addition, the Bernalillo County Courthouse evidence room moved to a secure location on the lower level of the courthouse to ensure best practices for the safety and security of all evidence that comes under the court's control.



Before and after photos of Second Judicial District's Family Court file storage area shows the impact of the court's space optimization plan. This plan ultimately will make space for a new courtroom.

"This paper file move allows our court to maximize proper space utilization to achieve greater efficiency. Now, all of the SJDC paper files are in one centralized location, making the retrieval of records easier and more economical," said Judge Marie Ward, chair of the SJDC space committee.

"Given the magnitude and volume of paper records being stored in the courthouse, the success of Phase I of this larger project required a tremendous amount of planning and coordination among a number of staff members from several court divisions," said Jim Noel, court executive officer. "Their efforts have gone a long way to improve the use of limited courthouse space."

The paper file move also allows SJDC to engage in a comprehensive records management plan. Court staff identified best records management practices for this central file system, including the best shelving identification, indexing and access procedures for easy retrieval of case files.

"This is just the first step in achieving better use of courthouse space," said Chief Judge Stan Whitaker. "With paper files consolidated, we can now move forward with the design and construction of a new courtroom, which the court desperately needs."